Fin (Rev) (1931) Department

MS SERIES.

G.O. No. 693

DATED 31.7.31

[Despatch Abstract.]

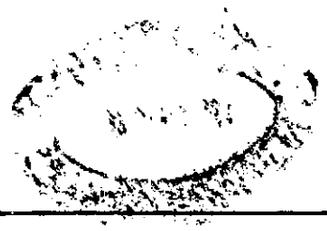
Pension - Superannuation - Rama Rao Avl., M.R.Ry. T., late Sub
Judge - Sanctioned - Request for the condonation of break in serv
Declined.

CURRENT FILE

DEPARTMENT.

Received ..... 192 . *Registered* ..... 192 .

Subject.



ENCLOSURES.

No .. ..

.....

Space copies.....

R.O.C.No. 1246-31-D3

Station Madras , *Dated the* 27th March 1931.

From (Name) G. S. White Esquire (Solicitor),

(Designation) Ag. Registrar, High Court.

To The Secretary to the Government of Madras,

Through the Accountant-General, Madras
(with enclosures). Finance (Pension) Department.

Sir, Pension-superannuation-application-M.R.Ry.T.Sama Rao Avl., Retired Sub Judge, Mangalore.

I am to forward herewith for the orders of Government the pension papers of M.R.Ry. T. Sama Rao Avargal, Retired Sub Judge, Mangalore and his letter of 16th March 1931 wherein he requests that his non-gazetted services before his appointment as District Munsif may also be taken into consideration for the calculation of his pension. The applicant has been asked to furnish direct to the Accountant-General two specimens of his signature with proper attestation.

3-7 mfa

2. The Hon'ble the Judges consider that the character

2

and past conduct of the applicant may be described as "Fair". The High Court is unable to make any endorsement against item 6 on the third page of the application as to whether the service claim is established and should be admitted, as the question has to be decided by the Government.

I have the honour to be,

Sir,

Your most obedient servant,

for Chief Secretary

27/3

SK

27.3.31

3

TO

THE SECRETARY

TO THE GOVERNMENT OF MADRAS

LAW (GENERAL) BRANCH

M A D R A S.

Through

The Registrar,

High Court of Judicature,

M A D R A S.

Sir,

In forwarding my application for pension on my retirement from service on 16th February 1931 on attaining the ageof 55 years, I respectfully beg to submit that, according to thepractice followed by the High Court when I was appointed District Munsiff in 1910, I was appointed when I was about to complete 35 years of age. I was appointed District Munsiff just before the Christmas Holidays in 1910 and I was directed to join the appointment at Vizagapatam on 3-1-1911. I therefore count only a service of 20 years 1 month and 13 days as District Munsiff and Sub Judge.

2. When the new pension rules were introduced in 1919 or 1920 I elected to remain under theold pension rules and so the Accountant General is of opinion that 5 years cannotbe added to my service which is allowed under the New Pension Rules. As I elected to

remain under the Old Pension Rules I cannot now ask the Government to allow me pension under the New Rules nor do I make that request now. But fortunately for me I can claim credit for a further service of 5 years 2 months and 18 days as stated below and I earnestly request that this service maybe taken into consideration in fixing my pension.

3. I beg to submit that soon after I completed my study in the Law College, I was appointed as permanent 12th Vernacular Clerk in the Collector's office at Bellary on 8-2-1900 and I continued in that appointment until 17-6-1902. During this interval I acted as 2nd Clerk and also as Head Clerk of District Board Office at Bellary from 8-2-1900 to 29-6-1900 as will appear from the service register which I submit herewith. Deducting the period of leave on loss of pay, I count 11 months and 23 days of permanent active service qualifying for pension. I resigned the appointment on 18th June 1902 after I passed the B. L. Degree examination in that year with a view to secure an appointment in the Judicial Department.

4. I was not out of employment long. Within 4 months after I resigned my appointment in the Collector's Office the post of Translator in the District and Sessions Judge at Bellary became permanently vacant and the late Mr. Justice Moore who was the District Judge of Bellary then appointed me as Translator and I joined that appointment on the 8th of November 1902 and continued in that appointment until 31st January 1907. According to the rules thenin force I had to pass Precis writing Test which I had not passed at the

time of my appointment. I was not therefore appointed permanently and I was exempted from passing the examination temporarily from year to year. But I did not pass that examination until January 1907 and so the post was otherwise filled up on 1st February 1908. But shortly after that, the Precis Writing Test was abolished for the Translator's post. But as the appointment was otherwise filled up permanently I could not be reinstated. I did not voluntarily resign the Translator's Post with a view to join the Bar. But I had to give up the post as I didnot pass the Precis Writing Test which was necessary for the post then. If I had passed the test then, I would have certainly continued as Translator. But subsequently I passed the examination, Having joined the Bar in the meantime I had to remain there for 3 years at least to qualify myself for the Munsiff's post and immediately after I became qualified my name was registered and I was selected for the appointment in October 1910 and I had the good fortune to secure the appointment in January 1911. I have already stated above that according to thepractice then followed by the High Court only candidates who were about to complete 35 years of age were selected and so I was appointed rather late when I was about to complete 35 years of age. That is why I could serve only for 20 years and 1 month and 13 days after my appointment as District Munsiff.

5. Under the circumstances mentioned above I humbly beg to request that my service as Translator from 8th November 1902 to 31st January 1907 and my service in the Revenue Department from 8th February 1900 to 17th June 1902 may also be taken into considera

consideration in fixing the amountof pension that I am eligible for and that the break in the service may be condoned.

6. I beg to submit that I do not claim any addition to my pension on any unjustifiable or extravagant ground as I merely claim credit for my actual service unde under Government though it was interrupted twice. I request the Hon'ble Judges of the High Court and the Government to take a liberal view of my case and to treat it more considerably underthe special circumstances mentioned above. In this connection I may be permitted to submit that the very object of the rule under the New Pension Rules by which Judicial Officers who are appointed late in life, as in my case, are allowed to add 5 years to their actual service is to enable them to retire on full pension after 20 years service. I may also state that so far as I am aware mine is the only unique case in the Judicial Depart ment where a break in service has to be condoned on equitable grounds as a special case for the reasons mentioned above.

7. As regards the amountof pension I have calculated the average pay during the past three years on my permanent pay only as I understand that the acting allowance drawn by me as temporary Sub Judge cannot be taken into consideration in calculating average emoluments for pension.

8 I therefore humbly beg to request in conclusion to condone the break in my service and to fix my pen-

pension on my total service of 25 years 4 months and one day.

I beg to remain,

Sir,

Your most obedient servant,

Sama Rao
16.3.31.

Address for future communication.

T. Sama Rao,
Retired Sub Judge
Satyanarayanapet
Bellary.

LIST OF ENCLOSURES

1. Application forpension.
2. Statement of average emoluments.
3. Last pay certificate.
4. Declaration about pension.
5. Service Register.
6. Pension payment order.

8

Statement of average emoluments of M.R.Ry T. Sama Rau Avl.,

Length of service. From	to	Period. Y.	M.	D	Pay. Rs.	Amount. Rs.
16-2-1928	31-3-1929	1	1	15	600	8100
1-4-1929	30-10-29	0	7	0	700	4900
31-10-29	30-10-30	1	0	0	750	9000
31-10-30	15-2-31	0	3	15	800	2800
				Total		24800

Average emoluments - Rs.24800 ÷ 36 = 688-14-3.

Mangalore,
-2-1931)

Sama Rau 16.3.31
Signature.

24-4-11.10

I hereby declare that I have neither applied for, nor received any pension or gratuity in respect of any portion of the service included in this application and in respect of which pension is claimed herein, nor shall I submit an application hereafter without quoting a reference to this application and the order which may be passed thereon.

Ramalan

16·3·31

10

C.F. 239-A—1,308—14-9-25.

NOTE.—This form to be used by Gazetted Officers of the classes mentioned in Articles 297 (*c*), (*d*) and (*e*), 654 and 678 of the Civil Service Regulations.

APPLICATION FOR PENSION OR GRATUITY.

S234
9 30 31
1242

1. Name of Applicant (in full and in capitals). TALUR SAMA RAU.

2. Last substantive appointment. Sub Judge, MANGALORE.

3. Date of commencement of service. 8-2-1900 ~~to~~ 8-11-1902 and 3rd JANUARY 1911.

4. Date of termination of service. 15th FEBRUARY 1931.

	Years.	Months.	Days.
5. Length of service including interruptions..			

Years. Months. Days.

5. Length of service including interruptions.

1. As permanent 12th Vernacular Clerk. Collector's Office, Bellary from 8-2-1900 to 17-6-1902.	2	4	9
2. As Sub Protem Translator District Court Bellary from 8-11-1902 to 31-1-1907.	4	2	23
3. As District Munsiff and Sub Judge from 3-1-1910 to 15-2-1931	20	1	13
	26	8	15
DEDUCT.			
Interruption including leave	1.	10	29
Balance	24	9	16
ADD:			
Leave counting as service	0	6	15
Total qualifying service	25	4	1

I have no military service to my credit.

All my service was under the Madras Govt.

Gama Rau
16·3·31

9. Proposed gratuity .. .. ..

10. Date from which pension is to commence .. 16th FEBRUARY, 1931.

11. Place of payment (in capitals) .. .. (Bellary.) BELLARY

12. Date of applicant's birth .. .. 16th FEBRUARY 1876.

Date 16 .. ~~February~~ March 1931. ..

Gama Rau
SIGNATURE OF APPLICANT.
16·3·31

* Or emoluments in case of applications for gratuity.

29

29·10

S. Y. 129.
(Art. 914, C.S.R.)

14

OFFICE OF THE Accountant General Madras.

Pension Verification section.

No. Pen S. 2349 30-31-259 Dated 1st. May 1931.

FROM

THE Accountant General, Madras.

To

THE Secretary to the Government of Madras, Finance (Pension) Department Fort St George.

SIR,

I have the honour to forward, for orders, an application for a superannuation pension on behalf of M.R.Ry T. Sama Rao Avl, late Sub Judge

received from the Registrar, High court Madras R.O.C. with this letter No. 1246-31-D3, dated 27.3.1931.

2. The report required by this office, and the papers (specified below) connected with the application, are also forwarded.

REGISTERED 2-MAY 1931 FINANCE DEPT.

1471 6 Pen

I have the honour to be,

SIR,

Your most obedient Servant,

(Signature)

15-31

(Designation) Deputy Accountant General Madras.

Specification of papers transmitted herewith.

No. and date.	From whom.	To whom.	No. and date.	From whom.	To whom.
nomn papers. with one service book (10 sheets with one S. book.)					

SGPI—FP—189DCFCont.—(1324)—21-10-24—4,000.

15

OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS.
(Pension Verification Section)
Fort St. George, 30th April 1931.

~~Enclosures.~~

No. Pen.S. 234 of 30-31.

Certificate and Report of the Accountant General, Madras No.Pen.S. 234 of 30-31 dated 30th April 1931.

Certified that (subject to the remarks recorded below) qualifying service of M.R.Ry T. Sama Rao Avl., late Sub Judge in superior grades has been duly proved for 20 years 1 month and 13 days; and that a superannuation pension not exceeding Rs. 229-13-0 (Rupees two hundred and twenty-nine and annas thirteen only) per mensem is admissible under Articles 458 and 474 (b) of the Civil Service Regulations. The calculations have been duly verified. The pension is chargeable to Provincial Revenues in the following manner, is voted and will commence from 16th February 1931. Attention is invited to Article 470 of the Civil Service Regulations.

Up. 2 note 2. Item 6 on the third page of the application may kindly be caused to be filled in.

M.3-7 note 3. As regards the condonation of the breaks prayed for by the applicant in his letter of 16th March 1931 herewith forwarded there is no audit objection to Government dealing with it under Article 422 Civil Service Regulations and if it is done, the High Court may be requested to ascertain the nature of the vacancy in which or in the chain of which, the applicant was sub-protem Translator from 8-11-02 to 31-1-07. A revised report will be forwarded to Government on receipt of the pension papers from the High Court later on, with the information as to the nature of the vacancy.

4. An anticipatory pension of Rs.200/- per mensem has been sanctioned by this office.

* 45 Superannuation Allowances and Pensions
Superannuation and Retired Allowances.

15 31

Deputy Accountant General

To

The Secretary to the Government of Madras,
Finance (Pension) Department.

T.R.R

Law (Gen) Dept

Letter
Reg 2396 B-1
26.5.31

To

The Hon'ble the Chief Justice
High Court

Hon'ble Sir,

Pmani - Superannuation
- application - Mr D. Rama
Rao Ar, Retd Sub Judge -
High Court's letter ROC No 1246-31-
D 3 dt 27.3.31.

I am directed to say
that Mr D. Rama Rao, Retd
Sub Judge in his petition dt
the 16th March 1931 has applied
for condonation of the breaks in
his service prior to his appointment
as Dt Munsif. To enable this
Govt; I am to request that
the Hon'ble Judges will be pleased
to give their remarks on the above request and to
send as to ascertain and
intimate to Government the nature
of the vacancy in which or in the
chair of which Mr Rama Rao was
appointed Sub Judge Bandar

(with previous application
from Govt to be returned
herewith)
H 3 at Egg/CF

H 1-2 CF

H 3-7 CF

H 15 CF

17

in the Dt Sessions Court, Bilhary
from 8-11-02 to 31-12-07.

2 I am also to request
that the 470 C.S.R. the full period
admissible under the rules may
be granted to Mr Sanu Rao
and to request that item 6
on the third page of the personal
application may kindly be filled
in.

BR
25/5

KRW
18.5.11

21/5

Law (Genl) Deptt

Letter 2396-B-2 Dt 2.7.31.
Refer to

The Hon'ble the Chief Justice
High Court of Judicature
Madras

Hon'ble Sir,

Pension - Superannuation application - Mr. D. Sama Rao ... Retired Subjudge Refer:-

P 3 C 7 Letter No. 2396 B-1 Law (Genl) dated 26.5.31

I am directed to enquire when a reply to the above reference may be expected by the Government.

Yours
29-6-31
KOV
29.6.31

GOVERNMENT
2-JUL 1931
LAW DEPT.

DEPARTMENT.

Received ..... 192 . *Registered* ..... 192 .

1 1931 DEPARTMENT

Subject.

L.S 3058B
2/3/31
PD

ENCLOSURES.

No .....

.....

Spare copies .....

R.O.C. No. 1246/31-D-3.

Station Madras, *Dated the* 29th June 1931.

From (Name) M.R.Ry. K.Kuppuswami Ayyar, M.A.,

(Designation) Asst. Registrar, H.C.,
in charge.

To The Secretary to the Government of Madras,

Law (General) Department
(with enclosures)

Sir,

Pension-Superannuation-applic[illegible] of M.R.Ry. T.[illegible] Rao Avl, retired Sub-Judge.

Reference: Your letter No.2096-B-1, Law (General) dated 26-6-1931.

In returning herewith the enclosures to your letter quoted above, I am to state that the Honble the Judges recommend that M.R.Ry. Rao's requests in his petition dated the 16th March 1931 may be considered favourably and that the full pension admissible under the rules may be granted to him.

2.

30-6-31

Copy of letter No.1455, dated 22nd June 1931 from the District Judge, Bellary to the Registrar, High Court, Madras.

With reference to letter R.C.C.No.1546/31-D-3, dated 23-6-1931, from the Deputy Registrar, A.& Title Side, High Court, I have the honour to report that M. T.Sama Rao was the Sub-protem Translator from 6-12-1902 to 31-1-1907 in a permanent vacancy caused by the death of R.Ramasubba Rao, permanent Translator, on 16-7-1902.

The Service Register received with the reference is herewith returned.

V.S.

2-5-31

22

Fwd Clk

Pension — MRRy. T. Sama Rao Avl., late Sub-judge.

From the Regr. High Court Rc.No. 1246-31-E dt. 27-3-31.
" A.G.'s No. Pen. S. 2340 dt. 30-3-31 & 30-4-31.

M. 1-2 c.f.
p. 15 c.f.

Please see the applicant's letter dt. 16th March 1931 in which he requests Govt. to condone the breaks in his service from 18-6-1900 to 7-11-1902 and from 1-2-1907 to 2-1-1911 and that his service from 8-2-1900 to 17-6-1900 and from 8-11-1902 to 31-1-1907 may be taken into consideration in fixing the amount of his pension. The first break was caused on account of his resignation of the appt. of clerk he was then holding; and the second break on account of his failure to pass the prescribed writing test then prescribed for the post of translator. Excluding the above service the applicant has rendered a qualifying service of 20 years 1 month & 13 days (from 3-1-1911 to 15-2-31) for which he is eligible for a pension of Rs. 22-13-0.

M. 3-7 c.f.
Memo. 5 on p. 5-6 c.f.
& q. paras. 3 & 4 on p. 4 c.f.

para. 3, p. 4 c.f. He was presumably aware that resignation entails forfeiture of past service. Clk.

K on p. 5 c.f. He was allowed 4 years in all to pass this exam: but failed to do so. Clk.

p. para. 1 of A.G.'s certificate on p. 15 c.f.

2. The remarks of Law (General) Dept. may be invited with reference to the noted applicant's request in para. 1 above. If they support the condonation of the breaks

breaks in service of the officer, they may be requested to make a reference to the High Court regarding the nature of the vacancy in which the applicant was sub-protem translator from 8-11-1902 to 31-1-1907. Vide para. 3 of the A.G's certificate & report of 30-4-31 on p. 15 C.f.

3. Law dept. may also be requested to state whether the pension of Rs. 229-13-0 admissible under the rules may be granted with reference to Art. 470 CSR and to have the omission pointed out in para. 2 in p. 15 C.f. supplied by the High Court.

~~No reference to the High Court's letter on pp. 15-32 C.f. is made.~~

A
6.5.31.
9.5.31.

10/5/31
Law (Genl)
Law (Genl) Dept

GOVT. LAW

AS

Please see the Finance Dept's note above. Next Department calls for remarks on the following

(1) whether Law would support the condonation of the breaks in service of the subjudge and if so information regarding the nature of the vacancy in which the applicant was subprotem translator from 8-11-1902 to 31-1-1907 has to be obtained from

L. S 2396 B
14/5/31

the High Court and

P 2 ante (2) to have item 6 on the third page of the pension application filled in by the High Court.

Item are above

Mr. D. Sama Rao was appointed

Para 3 on P4 C7 permanent clerk of the Collector's office Bellary

Para 4 on P4 C7 on 8-2-1900 and continued in that appointment till 17-6-1902 and on 18th idem he resigned. From 8-11-1902 until 31-1-1907 he was acting as Translator in the Dt. and Sessions court at Bellary. As he did not pass the precis writing test, then necessary for the post he had to give up that appointment. He

P 3 C7 was thereafter appointed as Dt. munsif from 3-1-1911. From that date he has put in 20 years 1 month and 13 days service. He now prays that his service prior to 1911 both as translator and in the Revenue Department may be taken into consideration in calculating his pension. If the breaks of service are condoned and the services taken calculated for purposes of pension Mr. Sama Rao will get a

P 10 C7 pension of Rs 344-7-½ Otherwise he will get a

P 15 C7 pension of Rs 229-13-0. In the circumstances stated at Pages 3-7 C7 it is for the Government to support the case for condonation of the breaks in service. The information required by the A-G may be called for from the High Court.

The High Ct may be requested to furnish the information required by the A.G. may also be called for if

BR 20/5 21/5

Item 2 above

The High Court may be asked to

fill in item 6 of the pension application.

A draft letter to High Court is submitted

BR
WS

S

L.21/5

C2 WKr 28-5-31

Letter No 2396 B Lawfd dated 26.5.31 to the High Court
From the High Court No 1246/31-D-8 dated 29-6-31

AS

The Hon'ble the judges recommend the condonation of the breaks in service of the petitioner and the payment of ½ of the full pension admissable under the rules. The High Court's recommendation may be supported. The omission referred to in para 2 of page 15 C/F has since been filled up by the High Court. The information required at A on page 2 ante is furnished in the Hon'ble judges' letter at page 21 C/F. The case may be returned to Finance (Pension) W.O

S
2.7.31
KSW
3.7.31

CR
4/7

S

L.7/7

Fin (Pen.)

27679 Pen
L.S 2396-B-2
7.7.31

P. T. C.

-7-31.

~~G~~ 26.

[Pension – Mr. T. Sama Rao, retd. Subordge. Fin(Pen) Dept.

Please see this dept's note on pp 1-2 ante and Law dept's note on pp. 3-4 ante. The point for orders is whether the Govt. may condone the breaks in the applicant's service from 18-6-1902 to 7-11-1902 and from 1-2-1907 to 2-1-1911 & allow the service rendered from 8-2-1900 to 17-6-1902 and from 8-11-1902 to 31-1-1907 for pension.

Vide para 1, p. 1 ante

7-11-1902
18-6-1902
20-4-
2-1-1911
1-2-1907
2-11-3

p. 19 c.f. & p. 4 ante The High Court & the Law dept. support the grant of the above concession.

para 1 on p. 1 – c.f. At present the applicant's qualifying service commences from 3-1-1911 & amounts to 20 years 1 month & 13 days for which a pension of Rs. 229-13-0 is admissible. If the concession referred to is granted the ~~applicant~~ A.G. will have to be asked to report the amount of enhanced pension that would be admissible. Having regard to the fact that both the breaks in the service of the officer (the first amounting to 4 months & odd & the latter nearly 4 yrs.) were due to the fault of the officer himself vide para 1 on p. 1 ante there seems to be no case to sanction the concession.

Cf. para 3 of A.G.'s report on p. 15 c.f.

The officer is being paid ~~anticipatory~~ pension – vide para 4 on p. 15 c.f.

2. If the Concession is granted, the pension of the officer will be increased from Rs 229. 13. 0 to Rs 344. 12. 0 roughly.

9-7-31.

p8 of
6[6]9 79
344-11-0 ~
344-12-0 2

There will thus be an increased charge of Rs 115-0-0 per mensem. In this days of financial stringency, the grant of concessions like this will seem to require strong justification

13.7.31

The officer himself was solely responsible for both the breaks in his service. The second break was for just upon 4 years. There seems to be no particular reason for condoning the breaks.

For orders.

14/7/31

C4 I entirely agree. There is no justification whatever for granting these concessions. The H.C. have given two reasons.

14/7

C2 17-7-31.

A draft order is submitted. It may be sent to Law (General) for perusal before issue.

22-7-31.

24.7.31

24/7/31

A-3468B
27/7/31.

Law (Genl.) No. 14716-2
24.7.31.

P

~~P~~ 28

Law (Genl.) Deptt.

AS

The draft order ~~paper~~ may be perused and the ~~file~~ returned to Finance (Pension).

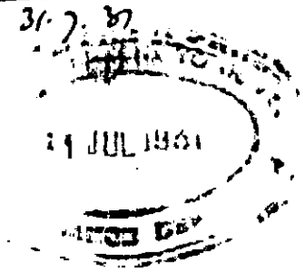
SD
27.7.31

KCW
28.7.31

28/7

J

L. Q. 3468-B-1
31.7.31



L. Q. 3077

Fin. (Pen.)

Issue

31/7/31

3/1.8 4/2/18

29

Finance (Pen ...) Dept.

Abstract.

Pension – Superannuation – Sama Rao Avl., M.R.Ry. T., late Subordinate Judge – Request for the condonation of breaks in service – Declined.

Read again

From M.R.Ry. T. Sama Rao Avl. dt. 16-3-31. f.p.
" the Regr. High Court R.O.C. No. 1246-31-D3 dt. 27-3-31.
" A.G. (Pen. Kerpn. seen.) No. Pen. S.234 dt. 30-3-31 & 30-4-31
" Regr. High Ct. R.O.C. No. 1246/31-D3 dt. 29-6-31 c.f.

Read also:--

ORDER:-- No. 693 Finance (Pension) dt. 31-7-1931

Character. Fair – vide item 1 on p. 12 c.f.

Under Articles 458 and 474(b) of the Civil Service Regulations, the Government are pleased to grant to M.R.Ry. T. Sama Rao Avl., late Subordinate Judge, a superannuation pension of Rupees (229-13-0) Two hundred and twenty-nine and annas thirteen only per mensem payable at Bellary with effect from the 16th Feb. 1931 in consideration of his qualifying service of 20 years 1 month and 13 days.

Vide A.G's letter dt. on p. 15 c.f.

2. The pension is debitable to the head "45. Superannuation and Pensions - Superannuation and retired allowances - Judicial".

3. The Govt. do not see sufficient reason to condone the breaks in the applicant's service for pension.

(4) ment. ~~with a view to increase his service equal to trying for pension~~

22-7-31.

24-7-31

24/7/31